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SUBJ: DRAFT LAWS FOR PRESIDENTIAL AND LOWER HOUSE ELECTIONS

REF: A) SAIGON A-773, JUNE 22, 1967 POL 15-2 VIETS
B) SAIGON A-123, AUGUST 11, 1967 POL 5 VIETS

1. THE LOWER HOUSE INTERIOR COMMITTEE IS PRESENTLY CONSIDERING DRAFT LAWS FOR THE 1971 PRESIDENTIAL AND LOWER HOUSE ELECTIONS, AND BOTH WILL PROBABLY COME TO THE FLOOR NEXT WEEK. THERE IS CONSIDERABLE SENTIMENT IN BOTH HOUSES OF THE NATIONAL ASSEMBLY THAT THE LAWS SHOULD BE PASSED WELL AHEAD OF THE ELECTION TO PERMIT CAREFUL PLANNING, CONTRARY TO THE TARDY APPROVAL OF THE LAW FOR THE HALF-THE-SENATE ELECTION EARLIER THIS YEAR.

2. THE DRAFT PRESIDENTIAL ELECTION LAW, SUBMITTED BY EIGHT MAINLY PRO-ADMINISTRATION DEPUTIES AND SENATORS, IS CONSIDERED TO REPRESENT EXECUTIVE VIEWS. IT IS VERY SIMILAR TO THE 1967 ELECTION LAW (REF. A). THE IDEA OF A RUN-OFF ELECTION BETWEEN THE TOP TWO CANDIDATES HAS BEEN SERIOUSLY CONSIDERED WITHIN THE EXECUTIVE FOR SOME TIME, IN ORDER TO

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GIVE THE PRESIDENT THE AUTHORITY THAT ATTACHES TO RECEIVING A MAJORITY VOTE. THIS IDEA HAS NOW BEEN DROPPED, BUT AN ATTEMPT IS BEING MADE TO ACHIEVE SOME OF THE SAME RESULT THROUGH PROVISIONS TO RESTRICT THE NUMBER OF CANDIDATES. BILL PROVIDES THAT CANDIDATES MUST BE SPONSORED BY AT LEAST 40 SENATORS OR DEPUTIES, OR BY 100 MEMBERS OF PROVINCIAL AND MUNICIPAL COUNCILS. SINCE EACH SUCH PERSON COULD SPONSOR ONLY ONE CANDIDATE, THIS PROVISION WOULD ESTABLISH A THEORETICAL MAXIMUM OF NINE CANDIDATES (THERE ARE 193 MEMBERS OF THE NATIONAL ASSEMBLY AND ABOUT 550 PROVINCIAL AND MUNICIPAL COUNCILMEN). (THIS PROPOSAL HAS BEEN ATTACKED BY OPPOSITION AND SOME MODERATE POLITICAL FIGURES AS GOING BEYOND THE CONSTITUTION AND BEING UNDEMOCRATIC.) EACH TWO-MAN TICKET MUST DEPOSIT TWO MILLION PIASTERS FOR CAMPAIGN EXPENSES, AND THIS SUM WOULD NOT BE RETURNED IF THE TICKET GARNERS FEWER THAN 20 PERCENT OF THE VALID VOTES (COMPARED WITH 200,000 AND 10 PERCENT IN 1967).

3. TWO DRAFTS HAVE BEEN SUBMITTED FOR THE LOWER HOUSE ELECTIONS, BOTH BY GROUPS OF PRO-GOVERNMENT DEPUTIES. BOTH FIX ELECTION DAY AS AUGUST 29. BOTH RETAIN TEN LOWER HOUSE SEATS RESERVED FOR MONTAGNARDS AND CHAMS, AS AT PRESENT, BUT ONE DRAFT DROPS THE SIX SEATS NOW RESERVED FOR ETHNIC CAMBODIANS. BOTH DRAFTS CONTAIN PROVISIONS DESIGNED TO ASSIST INCUMBENTS BY DISCOURAGING SOME OF THE MORE OBVIOUS COMPETITION. ONE OUTLAWS CANDIDACIES BY PROVINCIAL AND MUNICIPAL COUNCILORS WHO HAVE NOT COMPLETED TWO-THIRDS OF THEIR TERMS. SINCE THESE INDIVIDUALS WERE ELECTED JUNE 28 THIS YEAR, THIS PROVISION WOULD REMOVE THEM FROM LOWER HOUSE RACES, ALTHOUGH THEY PRESUMABLY COULD RESIGN AS COUNCILORS TO RUN. THE OTHER DRAFT IS EVEN MORE SWEEPING, STATING THAT ALL ELECTED OFFICIALS WHO HAVE NOT COMPLETED TWO YEARS OF THEIR ELECTED TERMS MUST RESIGN IF THEY RUN FOR THE HOUSE. THIS PROVISION WOULD AFFECT CLOSE TO HALF OF THE ELECTED VILLAGE AND HAMLET OFFICIALS, PLUS PROVINCIAL AND MUNICIPAL COUNCILORS. THIS MORE SWEEPING DRAFT ALSO OUTLAWS CANDIDACIES OF PERSONS WHO HAVE FAILED TO RECEIVE FIVE PERCENT OF THE VOTE IN ANY PREVIOUS ELECTION. BOTH DRAFTS CALL FOR A DEPOSIT FOR CAMPAIGN EXPENSES OF 50,000 PIASTERS, VICE 10,000 IN 1967, BUT THIS DEPOSIT IS RETURNED IF THE CANDIDATE RECEIVES FIVE PERCENT OF THE VOTE,

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ANALYSIS BRANCH

FROM : Amembassy SAIGON DATE: April 3, 1970

SUBJECT : Upper House Elections - Preliminary Assessment of Election Plans of Incumbent Senators

REF

1. Although the Upper House election law has not yet been enacted by the National Assembly, Senators and politicians in general are acting on the assumption that the election will be held in late August or early September and are making tentative plans accordingly. This airgram attempts to make a preliminary assessment of the election plans of the 29 Senators who drew three-year terms in the December 30, 1969 drawing at the Upper House. It also examines the effects of the 1970 election on current Upper House bloc arrangements and on 1967 list alignments.

2. Plans of Incumbent Senators. Thus far, no three-year term incumbent Senator with whom we have discussed the election has said he will not be a candidate for re-election. Many have insisted that they have not yet made up their minds on the subject, but we interpret this to mean that they have not yet secured the spot on the slate on which they most desire to run. We expect most, if not all, of the 29 three-year term Senators to seek re-election.

3. At this point, it appears that four 1967 list leaders who drew three-year terms will figure prominently in the campaign.

Enclosure:

Tentative Election Plans of Incumbent Senators

Action designated to EA

Action Taken Routed

Date of Action 4/14/70

Action Office Symbol EA/VN

Name of Officer

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